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3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming a period equivalent to the number of months from the date of abandonment to the filing of this petition is enclosed herewith.

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. Check box A, or check box B and/or C as applicable and include an explanation of the delay on a separate sheet or on supplemental sheet PTO/SB/64A.

- ☐ A This petition is filed within three months of the date the applicant was first notified, or otherwise became aware, that the application was abandoned and within one year of the date of abandonment of the application.
- ☒ B This petition is **not** filed within three months of the date the applicant was first notified, or otherwise became aware, that the application was abandoned. A detailed explanation of the cause of the delay in filing the petition is attached on a separate sheet or on supplemental sheet PTO/SB/64A.
- ☐ C This petition is **not** filed within one year of the date of abandonment of the application. The applicant first became aware of the abandonment on _____. A detailed explanation of the delay in discovering the abandoned status of the application is attached on a separate sheet or on supplemental sheet PTO/SB/64A.

February 5, 1999

Date

Jane T. Gunnison

Signature

Telephone

Number: (212) 596-9060Jane T. Gunnison

Typed or printed name

FISH & NEAVE

Address

1251 Avenue of the Americas, NY, NY 10020Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☒ Small Entity Status Form (copy)☒ Additional sheets containing statements establishing unintentional delay☒ Petition For Extension of Time with check.

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.
- ☐ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

2/5/99

Date

Jane T. Gunnison

Signature

Jane T. Gunnison

Typed or printed name of person signing certificate

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner Karen Hauda
Group 1632
Applicants R. Kucherlapati et al.
Serial No. : 08/724,752
Filed : October 2, 1996
For : HUMAN ANTIBODIES DERIVED FROM
IMMUNIZED XENOMICE



New York, New York
February 25, 1999

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Hon. Assistant Commissioner
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OFFICE OF PETITIONS
DEPUTY A/C PATENTS

SUPPLEMENT TO PETITION UNDER 37 CFR §1.137(b) TO REVIVE
AN UNINTENTIONALLY ABANDONED PATENT APPLICATION

Sir:

This is a supplement to applicants' Petition Under 37 C.F.R. § 1.137(b) (Form PTO/SB/64), filed concurrently herewith. Applicants are filing the petition more than three months after becoming aware that the above-identified application was abandoned. Accordingly, applicants submit herewith the explanation for the delay in filing this petition.

Applicants transferred the above-identified application, along with a large number of related patent applications, to Fish & Neave for prosecution in July of 1997. During the transition period on August 5, 1997 Office Action was apparently mailed to applicants' former representatives (copy of first page enclosed). The Office

Action was never received by applicants or Fish & Neave. Nor have applicants' former counsel been able to locate a copy in their files. They believe it was never received. Applicants and Fish & Neave received a Notice of Abandonment on April 30, 1998.

Applicants delayed petitioning to revive the unintentionally abandoned application and filing the required response to the outstanding Office Action while they developed an overall strategy for advancing the prosecution of the family of seventeen applications of which this application is a member.

From the date they became aware that the instant application was inadvertently abandoned until the present, applicants have been working diligently with Examiner Hauda to review the pending applications, including this application, and to work out an efficient strategy for expediting the prosecution of the inventions disclosed therein. With the help of Examiner Hauda and SPE Stanton, applicants have made progress toward that goal. Applicants' have now been able to file this petition to revive the unintentionally abandoned application and to submit claims in an Amendment and Response to the August 5, 1997 Office Action, that take into account language that the Examiner has indicated to be acceptable.

Grant of this petition is requested.

Respectfully submitted,

I Heraby Certify that this
Correspondence is being
Deposited with the U.S.
Postal Service as First
Class Mail in an Envelope
Addressed to: ASSISTANT
COMMISSIONER FOR PATENTS
WASHINGTON D.C. 20231, on

February 5, 1999
Jane T. Gunnison

Name of person Signing

Jane T. Gunnison
Signature of Person Signing

Jane T. Gunnison
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